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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ELBERT HARRIS, III,	)	NO. C08-2358-PJH
	)	
Plaintiff,	)	STIPULATION FOR ORDER
	)	AND <del>PROPOSED</del> ORDER
VS.	)	AMENDING THE CASE MANAGEMENT
	)	CONFERENCE ORDER ALLOWING
CITY AND COUNTY OF SAN	)	PLAINTIFF TO FILE AN AMENDED/
FRANCISCO, DEPARTMENT OF	)	SUPPLEMENTAL COMPLAINT HEREIN
PUBLIC HEALTH; ROBERT THOMAS,	)	
Director of Human Resources, Laguna	)	
Honda Hospital and Rehabilitation Center;	)	
and LARRY BEVAN, Licensed	)	
Psychiatric Technician, Laguna Honda	)	
Hospital and Rehabilitation Center, and	)	
DOES 1 through 25,	)	
	)	
Defendant.	)	

Plaintiff filed his within complaint on May 7, 2008, alleging, among other things, his placement on unpaid administrative leave on March 19, 2008, based upon an administrative charge of discrimination filed with the United States Equal Employment Opportunity Commission on May 6, 2008. However, at that time, the United States Department of Justice had not issued a notice of right to sue thereon as required by the provisions of 42 U.S.C. Section 2000e, *et seq.* Since that time, the United States Department of Justice issued a Notice of Right

1 to Sue thereon on June 6, 2008 as required by law.

2 Defendants duly filed their answer to said original complaint on June 13, 2008.

3 Plaintiff claims that subsequent to the filing of said complaint, Defendants have engaged  
4 in unlawful discriminatory conduct against him, including but not limited to, the termination of  
5 his employment on May 16, 2008, for which he filed an administrative charge of discrimination  
6 with the United States Equal Employment Opportunity Commission on May 22, 2008.

7 Thereafter, on August 8, 2008, the United States Department of Justice issued a Notice of Right  
8 to Sue thereon as required by law.

9 Accordingly, it has become necessary for Plaintiff to amend said complaint to allege said  
10 issuance by the United States Department of Justice of said notice of right to sue dated June 6,  
11 2008 and to supplement said complaint to allege Plaintiff's subsequent termination of  
12 employment, said administrative charge of discrimination filed with the United States Equal  
13 Employment Opportunity Commission relative thereto and said subsequent issuance of a Notice  
14 of Right to Sue thereon by the United States Department of Justice.

15 THEREFORE, the parties hereby stipulate to an Order issued herein allowing said  
16 amendment and supplementation of the complaint herein.

17 The parties agree that Defendants reserve the right to respond to the amended complaint  
18 within the time period allowed by, and in accordance with, applicable law, including filing any  
19 appropriate motions to dismiss, after service of the amended complaint.

20 Dated: September 17, 2008

21 /s/ Curtis G. Oler  
22 CURTIS G. OLER  
Attorney for Plaintiff

23 Dated: September 18, 2008

24 /s/ Adelmise Warner  
25 ADELMISE WARNER  
Deputy City Attorney

ORDER

Pursuant to the stipulation of the parties for an Order to amend and supplement the complaint herein, for the reasons set out in said stipulation,

FOR GOOD CAUSE SHOWN,

IT IS HEREBY ORDERED that Plaintiff may within five days hereof, amend and supplement the complaint to allege the issuance of a Notice of Right to Sue by the United States Department of Justice on June 6, 2008, the filing of an administrative charge of discrimination based on the termination of his employment filed by Plaintiff with the United States Equal Employment Opportunity Commission on May 22, 2008, and the issuance of a Notice of Right to Sue thereon by the United States Department of Justice on August 8, 2008.

Defendants will respond to the amended complaint within the time period allowed by, and in accordance with, applicable law, including filing any appropriate motions to dismiss, after service of the amended complaint.

9/18/08

